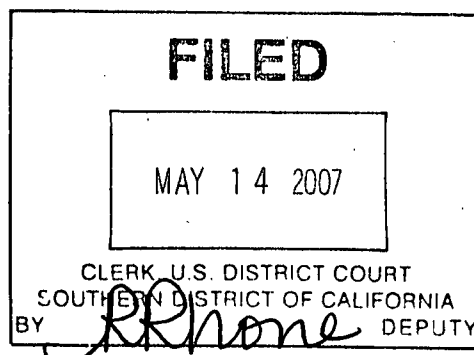


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7 UNITED STATES OF AMERICA



8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Criminal Case No. 07CR0985-L
11)
12 Plaintiff,)
13)
14 v.)
15 JUAN ALONSO VALDEZ-NORIEGA,)
16)
17 Defendant.)

**STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESS AND
ORDER THEREON**

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
17 OF AMERICA, by and through its counsel, KAREN P. HEWITT, United States Attorney, and
18 AnnaLou Tirol, Assistant United States Attorney, and defendant JUAN ALONSO VALDEZ-
19 NORIEGA, by and through and with the advice and consent of defense counsel, Mahir Sherif, Esq.,
20 that:

- 21 1. The material witness, Gonzalo Rivera-Arteaga, in this case:
- 22 a. Is an alien with no lawful right to enter or remain in the United States;
- 23 b. Entered or attempted to enter the United States illegally on or about March
- 24 16, 2007;
- 25 c. Was found in a vehicle driven by defendant at the San Ysidro, California Port
- 26 of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that he was an alien
- 27 with no lawful right to enter or remain in the United States;
- 28 d. Was paying \$3,000 to defendant to be brought into the United States illegally
- and/or transported illegally to his destination therein; and,

1 e. May be released and remanded immediately to the Department of Homeland
2 Security for return to her country of origin.

3 2. After the material witnesses are ordered released by the Court pursuant to this
4 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
5 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
6 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

7 a. The stipulated facts set forth in paragraph 1 above shall be admitted as
8 substantive evidence;

9 b. The United States may elicit hearsay testimony from arresting agents
10 regarding any statements made by the material witness(es) provided in discovery, and such testimony
11 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
12 of (an) unavailable witness(es); and,

13 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
14 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted
15 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant
16 waives the right to confront and cross-examine the material witness(es) in this case.

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28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Juan Alonso Valdez-Noriega

1 3. By signing this stipulation and joint motion, defendant certifies that defendant has
2 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
3 further that defendant has discussed the terms of this stipulation and joint motion with defense
4 counsel and fully understands its meaning and effect.


5 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
6 immediate release and remand of the above-named material witness(es) to the Department of
7 Homeland Security for return to her country of origin.

8 It is STIPULATED AND AGREED this date.

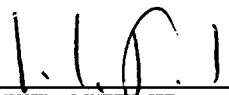
9 Respectfully submitted,

10 KAREN P. HEWITT
11 United States Attorney

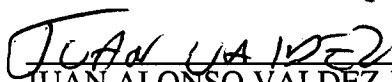
12 Dated: 5/14/07

13 for 
14 ANNALOU TIROL
15 Assistant United States Attorney

16 Dated: 5/14/2007

17 
18 MAHIR SHERIF
19 Defense Counsel for VALDEZ-NORIEGA

20 Dated: 5/14/2007

21 
22 JUAN ALONSO VALDEZ-NORIEGA
23 Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness be released and remanded forthwith to the Department of Homeland Security for return to his country of origin.

SO ORDERED.

Dated: 5/14/07


United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

Juan Alonso Valdez-
Defendant(s) Noriega

CRIMINAL NO. 07cr985-L

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

IT IS HEREBY ORDERED that the following named person heretofore
committed to the custody of the United States Marshal as a material witness be
released from custody: (Bond Posted / Case Disposed / Order of Court).

Gonzalo Rivera-Arteaga

DATED: 5-14-07

JAN M. ADLER

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by

Rhea Rhine
Deputy Clerk